SINGLE BENCH

(9)

CF 1002

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. (S) No. 955 /2007

PETITIONER : Bhoj Ram Patel
S/o. Shri Dayaram Patel
Aged about 36 years
Post-Assistant Teacher
R/o. Village –Navapara, Kiritmal, Tahsil Kharsia & District Raigarh (C.G.)

P.R. No. 1209/07
Treasury: Anj/Mour 4a
dated 12/2/07

VERSUS

RESPONDENTS :1. State of Chhattisgarh
Through : Secretary
Department of Education
Mantralaya, D.K.S. Bhawan, Raipur (C.G.)

2. District Education Officer,
Raigarh District Raigarh (C.G.)

3. Block Education Officer
Block-Kharsia
District-Raigarh (C.G.)

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COMMISSIONER
APARNA MALVIYA
CG/207/96
Bilaspur Chhattisgarh

WRIT PETITION U/A 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRITS IN THE NATURE OF MANDAMUS AND CERTIORARI AND FOR OTHER SUITABLE WRITS AND DIRECTIONS

(26)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. (S) No. 955 of 2007

Petitioner : Bhoj Ram Patel

Versus

Respondents : State of Chhattisgarh & others

Single Bench: Hon'ble Mr. Justice Satish K. Agnihotri.

Mr. Anil Mourya, Advocate for the Petitioner.

Ms. Sunita Jain, Panel Lawyer for the State/respondents.

ORDER

(Passed on this 20th Day of February, 2007)

1. Learned counsel appearing for the petitioner submits that the petitioner is working as Assistant Teacher in the Government Middle School, Kiritmal, Block Kharsia, District Raigarh. The petitioner has obtained B.T.I. Examination certificate in the year 1992, on his own expenses.

2. Learned counsel appearing for the petitioner submits that the question involved, herein asto whether the teacher, who obtained B.T.I. Examination Certificate on his own expenses, is entitled to two advance increments.

3. According to learned counsel for the petitioner, the petitioner is entitled to two advance increments in view of the decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** {2006 (II) MPJR-CG 96}. This Court in the case of Yashwant Kumar Bharadwaj Vs. Municipal Corporation,

Durg and another (Supra), came to the conclusion that the teachers, who had obtained B. Ed. /B.T.I. Examination Certificate on their own expenses, are covered by the circular dated 24.12.98 issued by the State Government of Madhya Pradesh.

4. Learned counsel for the petitioner further submits that the facts and question of law involved in the present case are squarely covered by decision of this Court in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), to which learned counsel appearing for the respondents fairly concedes and agrees with the averment made by learned counsel appearing for the petitioner.

5. Accordingly, the writ petition is allowed in terms of the order passed in the case of **Yashwant Kumar Bharadwaj Vs. Municipal Corporation, Durg and another** (Supra), subject to verification of the fact as to whether the petitioner has acquired B.T.I. Examination Certificate on his own expenses as per the circulars dated 24.12.1998 & 1.3.1999 and further whether he has been paid two advance increments or not. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Subhash